

## **MINUTES OF THE HOWARD COUNTY PLANNING BOARD – DECEMBER 10, 2009**

Members Present: Linda Dombrowski, Chair; Dave Grabowski, Vice-Chair; Tammy CitaraManis; Paul Yelder

Members Absent:

DPZ Staff Present: Marsha McLaughlin; Lisa Kenney, Zan Koldewey, Bob Lalush

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### **Minutes of 7/15/09, 9/17/09, 10/08/09, 11/5/09**

On Motion by Mr. Grabowski and seconded by Mr. Yelder the Minutes of July 15, 2009 were approved. Vote: 2 Yea, 0 Nay, 1 Abstention. Ms. Dombrowski abstained as she was absent.

On Motion by Mr. Grabowski and seconded by Mr. Yelder the Minutes of September 17, 2009 were approved as amended. Vote: 3 Yea, 0 Nay.

On Motion by Mr. Grabowski and seconded by Mr. Yelder the Minutes of October 8, 2009 were approved. Vote: 3 Yea, 0 Nay.

On Motion by Mr. Grabowski and seconded by Mr. Yelder the Minutes of November 5, 2009 were approved. Vote: 3 Yea, 0 Nay.

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Ms. Dombrowski opened the public hearing at approximately 7:05 p.m.

### **PUBLIC HEARING**

#### **GPA – Water Resources Element:**

Susan Overstreet gave a brief overview of the proposed amendment to the General Plan explaining the items that are being required by the State to be included.

Mr. Grabowski questioned if the projections included the proposed redevelopment of Downtown Columbia. Ms. Overstreet stated that the amendment did include proposed development.

Ms. Dombrowski questioned if the Planned Service Area would be changed. Ms. Overstreet explained that there are no proposed changes in policies with regards to the Planned Service Area and that there was a good supply of drinking water, however a smaller gap existed for wastewater treatment facilities.

Ms. Dombrowski closed the public hearing at approximately 7:30p.m.

The Board went into a public worksession.

#### **Motion:**

Mr. Grabowski moved to accept the technical staff report for the Water Resources Element, highlighting several issues raised by the Board. Mr. Yelder seconded the motion.

#### **Vote:**

3 Yea

0 Nay

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## **PUBLIC MEETING**

### **ZB 1064M – Fraley**

Presented By: Bob Lalush  
Petition: To rezone .846 acres from R-20 to B-1. South of Rt. 144 about 800' west of Coventry Court. (10459 Frederick Road)  
DPZ Recommendation: Denial  
Petitioner's Representative: Alec Adams

Mr. Adams requested that the case be pulled from the agenda. Ms. Dombrowski continued the case until March 18, 2010.

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### **ZB 1084M – Forest Venture**

Presented By: Zan Koldewey  
Petition: To change the zoning from R-20 to B-1 with a Site Plan zoning petition. South side of Baltimore National Pike, north of Frederick Road. (10021 Baltimore National Pike)  
DPZ Recommendation: Approval  
Petitioner's Representative: Sang Oh

Ms. Koldewey gave a brief overview of the proposed rezoning explained the location of the site as well as the zoning of the site and surrounding properties. She stated that the Department recommended approval due to the justification of a mistake in zoning.

Mr. Oh stated that there is a change in the character of the neighborhood and that even though they agree with the staff report on the mistake in zoning issue

Lee Driscoll, Architect, explained the design of the site and the uses being proposed. He also presented the Board with several examples of the mixed uses in other parts of the Country.

Angie Beltram stated that there should be regulations written so that similar projects could be obtained along Route 40.

Ms. Dombrowski asked why there was no sidewalk or pedestrian walkways. Joe Rutter stated that the sidewalk was not added because there is no connectivity to any other commercial in the immediate area.

#### **Motion:**

Mr. Grabowski moved to accept the technical staff report for ZB 1084M and Mr. Yelder seconded the motion.

#### **Discussion:**

Mr. Grabowski stated his agreement with a mistake in zoning and that the site is not compatible with residential uses.

Mr. Yelder stated that the case for mistake is strong due to the current existing uses on the property.

#### **Vote:**

3 Yea

0 Nay. The Motion was carried.

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### **ZRA 122 – Forest Venture II, LLC**

Presented By: Zan Koldewey  
Petition: To amend Sections 118.B.37 & 119.B.63 to read: Dwelling units, provided the dwelling units, do not exceed 50 percent of the floor area of the structure and are located above the first level.  
DPZ Recommendation: Approval  
Petitioner's Representative: Sang Oh

Ms. Koldewey gave a brief overview of the proposed amendment to remove the limitation of one dwelling unit per business establishment and would not change the permitted overall percentage or total square footage of residential use.

Mr. Oh stated that B-1 and B-2 zones have evolved over time; need to revamp Rt 40 in a positive way; small step to revitalize; good idea

Ms. Dombrowski suggested that maybe the language should contain a minimum apartment size.

Angie Beltram speaking on behalf of the HCCA in opposition to the proposed amendment stating the Association's concern that the amendment would apply to all B-1 and B-2 properties as well as concern of increasing residential units.

Cathy Hudson stated her concerns that the amendment should be proposed in a comprehensive manner rather than for one petitioner since it would effect large zoning districts.

Ms. Dombrowski questioned if the units would be subject to APFO. Ms. McLaughlin confirmed that they would be subjected to APFO and schools test.

Ralph Ballman spoke regarding the proposed amendment and stated his concerns that there would be no open space or recreational areas for children in the residential units.

**Motion:**

Mr. Yelder motioned to recommend denial of ZRA 122 and support as a conditional use and Mr. Grabowski seconded the motion.

**Discussion:**

Mr. Yelder stated his concerns with the blanketed approach.

Mr. Grabowski stated his agreement with the Board and also stated that the amendment is more of a conditional use so it would be more site specific.

**Vote:**

3 Yea

0 Nay

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**ZRA 123 – Forest Venture II, LLC**

Presented By: Zan Koldewey  
Petition: To amend Section 100.G.2.g by providing the Zoning Board with the authority to approve a variance in addition to a conditional use as currently allowed.  
DPZ Recommendation: Approval  
Petitioner's Representative: Sang Oh

Ms. Koldewey gave a brief overview of the proposed amendment to correct an oversight in the current zoning regulations to allow the Zoning Board to approve variances in addition to a conditional use. She stated that the Department recommended approval.

Mr. Oh stated the amendment would be a good change and that the Petitioner agrees with the staff report.

Ms. Dombrowski asked if there ever a situation that would require that the separation exist. Mr. Oh stated that as a practical matter one does not exist.

Angie Beltram of Ellicott City speaking on behalf of HCCA in opposition of the proposed amendment stating the Association's concern that adjacent property owners would not be adequately informed. Ms. Beltram also stated the Association's other concern that the amendment would not give the Board flexibility to approve the plan without the variance.

Cathy Hudson stated her concerns regarding public process and the flexibility of the Zoning Board.

Mr. Oh stated that the petitioner would still have to apply for variances, conditional use and site plan zoning separately and the Zoning Board can approve or deny each of the petitions separately as well.

Ms. Dombrowski questioned the procedures for informing adjacent property owners. Mr. Oh confirmed that the property would have to be posted for all of the petitions.

Ms. McLaughlin confirmed that these applications are separate issues and that Zoning Board could decide independently of one another. She also confirmed that notification letters would be itemized, as well as a poster for each case be posted on the property.

**Motion:**

Mr. Grabowski moved to accept the technical staff report for ZRA 123 with a recommendation to include the four concerns voiced by the Board. Mr. Yelder seconded the motion.

**Vote:**

3 Yea

0 Nay.

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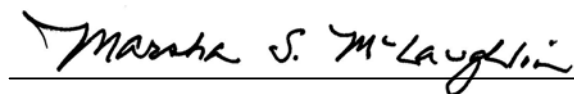
**ZRA 124 – Forest Venture II, LLC**

Presented By:	Bob Lalush
Petition:	To amend Section 103.A. of the Zoning Regulations, by adding a new Section 139.2.
DPZ Recommendation:	Denial
Petitioner's Representative:	Sang Oh

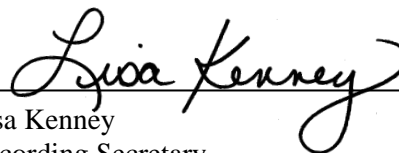
Mr. Oh requested that the Zoning Regulation Amendment be continued to a later meeting date.

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THERE BEING NO FURTHER BUSINESS, THE PLANNING BOARD ADJOURNED AT APPROXIMATELY 10:30 P.M.



Marsha McLaughlin  
Executive Secretary



Lisa Kenney  
Recording Secretary